

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**BROOKE WHORLEY, *et al.*,**

**Plaintiffs,**

**v.**

**Case No. 3:20-cv-255**

**RALPH S. NORTHAM, *et al.*,**

**Defendants.**

**STATUS REPORT**

COME NOW Defendants Ralph Northam, *et al.*, by counsel, and pursuant to the Stipulated Settlement Agreement between the parties (ECF No. 11-1), provides the following status report to the Court:

1. Pursuant to Part 3(a)(vii)(1) of the Settlement Agreement, Defendants report that VDOC substantively reviewed 62 inmates for possible release under the *Early Release Plan* during the week of September 6 through September 12, 2020. The total number of inmates VDOC has substantively reviewed, to date, is one-thousand four-hundred twenty-three (1,423).
2. Pursuant to Part 3(a)(vii)(2) of the Settlement Agreement, Defendants report that, of the 62 inmates reviewed during the week of September 6 through September 12, 2020, VDOC approved 39 of those inmates for Early Release. The total number of inmates approved, to date, is 1019.<sup>1</sup>
3. Pursuant to Part 3(a)(viii)(3) of the Settlement Agreement, Defendants report that, of the 62 inmates reviewed during the week of September 6 through September 12, 2020, VDOC

---

<sup>1</sup> An additional 19 inmates were substantively reviewed, but physically released from custody (for other reasons) prior to a final approval decision having been made. VDOC does not include those 19 inmates in the reported number of inmates who were approved for release, but does include those 19 inmates in the number of inmates who were substantively reviewed.

denied Early Release for 23 of those inmates. The total number of inmates denied, to date, is 385.

4. Pursuant to Part 3(e) of the Settlement Agreement, Defendants report that approximately 492 inmates were tested for COVID-19 during the week of September 6 through September 12, 2020. The total number of tests conducted on VDOC inmates, to date, is approximately 34,646.

Respectfully submitted,

RALPH S. NORTHAM, BRIAN J. MORAN,  
HAROLD CLARKE, DONALD WILMOUTH,  
RICK WHITE, THOMAS MEYER, TIKKI  
HICKS, RODNEY YOUNCE, TRACY RAY,  
ERIC ALDRIDGE, DANA RATLIFFE-WAKLER,  
TORI RAIFORD, TAMMY WILLIAMS, JOSEPH  
BATEMAN, and PHILIP WHITE, Defendants.

By: /s/  
Margaret Hoehl O'Shea, AAG, VSB #66611  
Criminal Justice & Public Safety Division  
Office of the Attorney General  
202 North 9<sup>th</sup> Street  
Richmond, Virginia 23219  
(804) 225-2206  
(804) 786-4239 (Fax)  
Email: [moshea@oag.state.va.us](mailto:moshea@oag.state.va.us)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of September, 2020, I electronically filed the foregoing Status Report with the Clerk of the Court using the CM/ECF system which will provide notification of such filing to the following:

Elliott M. Harding, Esq. (VSB #90442)  
HARDING COUNSEL, PLLC  
608 Elizabeth Avenue  
Charlottesville, VA 22909  
434-962-8465  
HardingCounsel@gmail.com

Eden Heilman Date  
Vishal Agraharkar  
Nicole Tortoriello  
Jennifer Safstrom  
ACLU FOUNDATION OF VIRGINIA  
701 E. Franklin St., Suite 1412  
Richmond, VA 23219  
Tel: (804) 523-2152  
Email: eheilman@acluva.org  
vagraharkar@acluva.org  
ntortoriello@acluva.org  
jsafstrom@acluva.org

*Counsel for the Plaintiffs*

And I hereby certify that I have mailed by United States Postal Service the documents to the following non-CM/ECF participants: N/A

By: \_\_\_\_\_ /s/  
Margaret Hoehl O'Shea, AAG, VSB #66611  
Criminal Justice & Public Safety Division  
Office of the Attorney General  
202 North 9<sup>th</sup> Street  
Richmond, Virginia 23219  
(804) 225-2206  
(804) 786-4239 (Fax)  
Email: moshea@oag.state.va.us